



Notice of Appeal From the Primary Examiner to the  
Board of Patent Appeals and Interferences (37 CFR 1.191)

Date of Mailing: July 31, 2008

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In the United States Patent and Trademark Office

In re application of: James P. Elia                      Docket No.:              Case No. 1 (796-P-12)  
Serial No. 09/064,000                      Group No.:              1647  
Filed: April 21, 1998                      Examiner:              Daniel C. Gamett  
For: METHOD FOR GROWTH OF SOFT TISSUE

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as First Class Mail  
in an envelope addressed to MAIL STOP AF, Commissioner for  
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

JULY 31, 2008

Karen Odell              07/31/2008  
Signature                      Date of Signature

**MAIL STOP AF**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Applicant hereby appeals to the Board from the decision of the Primary Examiner mailed May 5, 2008 finally rejecting claims 403-405 and 407-412

The item(s) checked below are appropriate:

**1.      Status of Applicant**

This application is on behalf of

☒ a small entity

**2.      Fee for Filing Notice of Appeal**

Pursuant to 37 CFR 1.17(e) the fee for filing the Notice of Appeal is:

☒ a small entity

Notice of Appeal fee due:              \$ 255.00

☒ A filing fee in the amount of \$250 for the Notice of Appeal filed April 18, 2006 was paid; therefore, pursuant to MPEP 1204.01, \$ 250.00 is deducted from the total fee due for the instant Notice of Appeal.

☒ Notice of Appeal fee due with this request              \$ 5.00

Adjustment date: 08/04/2008 SSESHE1  
04/24/2006 BABRAHA1 00000068 09064000  
01 FC:2401                      -250.00 DP

08/04/2008 SSESHE1 00000005 09064000  
01 FC:2401                      255.00 DP

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**3. Extension of Term**

a) ☐ Extension requested:

<u>Extension (months)</u>	<u>Fee for small entity</u>
one month	\$ 60.00
two months	\$ 230.00
three months	\$ 525.00
four months	\$ 820.00
five months	\$1,115.00

☐ Request Extension for \_\_\_\_ month(s) = Fee \$ \_\_\_\_ Extension fee due: \$ \_\_\_\_

☐ An extension for \_\_\_\_ months has already been secured and the fee paid; therefore \$ \_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_

**OR**

b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

**4. Total Fee Due**

☒ The total fee due is:

☒ Notice of Appeal fee \$5.00

☐ Extension fee (if any) \$ \_\_\_\_

**Total Fee Due: \$ 5.00**

**5. Fee Payment**

Attached is Check No. 1597 in the sum of \$ 5.00

Date: July 31, 2008

Reg. No.: 26,611

  
\_\_\_\_\_  
Signature of attorney

Gerald K. White

\_\_\_\_\_  
Type or print name of attorney

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